

WILMERHALE

April 4, 2022

Gregory H. Lantier

**BY ECF AND EMAIL**

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Hon. Katherine Polk Failla  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007  
Failla\_NYSDChambers@nysd.uscourts.gov

**MEMO ENDORSED**

**Re: *In re Subpoenas Issued to Mark Farber and Farber, LLC* (Misc. No. 1:22-mc-00093)**

Dear Judge Failla:

We write on behalf of Defendant Medtronic, Inc. in accordance with Your Honor's Individual Rules 9B and 9C to seal portions of Medtronic, Inc.'s Memorandum of Law in Opposition to Mark Farber and Farber LLC's Motion to Quash Subpoena to Testify at a Deposition and Subpoena to Produce Documents, and to seal all of Exhibits 5 and 7, which are attached to the Declaration of Brittany B. Amadi in Support of Medtronic, Inc.'s Opposition. Pursuant to the confidentiality provisions in the Protective Order, Exhibit 4, entered by Judge Albright on October 1, 2021, Medtronic, Inc. respectfully requests these exhibits be sealed in their entirety.

On pages 5-8 and 15-16, Medtronic, Inc.'s Memorandum quotes from Exhibit 5, which is the confidential deposition transcript of plaintiff, Timur Sarac. On pages 5-6, Medtronic, Inc.'s Memorandum quotes from Exhibit 7, which is a confidential email communication from Timur Sarac to Rubal Bedi in 2012. Medtronic, Inc. has narrowly redacted only the quotations from the confidential exhibits from its Memorandum.

Per the Southern District of New York Electronic Case Filing Rules & Instructions §§ 6.5(a) and 6.9, Medtronic, Inc. respectfully submits that the Viewing Level to be applied to the unredacted copies of Medtronic, Inc.'s Memorandum and Exhibits 5 and 7 filed contemporaneously with this letter should be "Selected Parties"—that is, limited to counsel appearing for Medtronic, Inc. and counsel appearing for Plaintiffs TMT Systems, Inc., and Timur P. Sarac, as well as court personnel.

Sincerely,

/s/ Gregory H. Lantier  
Gregory H. Lantier  
*Attorney for Medtronic, Inc.*

Application GRANTED. For the reasons set forth above, the Clerk of Court is directed to maintain the documents at docket entries 17 and 18 under seal, viewable only to the parties and Court.

The Clerk of Court is further directed to terminate the motion at docket entry 14.

Dated: April 5, 2022  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla". The signature is written in a cursive, flowing style.

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE